MADRAS ACT No. II OF 1879.[1]

[THE NILGIRIS GAME AND FISH PRESERVATION ACT, 1879.]

[*12th February 1879* ; *24th March 1819.*]

An Act to provide for the protection of Game and Acclimatised fish in the district of the Nilgiris in the Madras Presidency.

Preamble.

WHEREAS it is expedient to provide for the protection of wild animals and birds used for food and of acclimatised fish, and to prohibit the killing, capturing and selling game and acclimatised fish in the district known as the Nilgiris, as described in the Schedule hereto appended, under certain conditions ; It is hereby enacted as follows :—

Title and local extent.

1. This Act may be called the Nilgiris Game and Fish Preservation Act, 1879 ; and it shall come into operation in the district aforesaid, or such parts thereof, and from such dates as the [2][State Government] may from time to time declare by notification in the [3] [Official Gazette].

Interpretation-clause—"Game".

2. In this Act the word "game" shall include bison, sambhur, ibex, jungle-sheep, deer of all descriptions, hares, jungle-fowl, pea-fowl, partridge, quail, and spur-fowl, or such birds or animals as the [2][State Government] may deem fit to specify by notification from time to time in the [3] [Official Gazette].

Power to fix close season.

3. The [2][State Government] may, by notification in the [3] [Official Gazette], from time to time, fix a season or seasons of the year during which it shall not be lawful for any person to shoot at, kill, capture, pursue or sell, or attempt to kill, capture or sell game, as may be specified in such notification within the district aforesaid :

Proviso as to private lands.

Provided that nothing in this Act contained shall preclude proprietors or occupiers of land from adopting such measures on such land as may be necessary for the protection of crops or produce growing thereon.

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette*, 1878, Supplement, dated the 2nd April 1878, p. 2 ; for Report of the Select Committee, *see ibid*, Supplement, dated the 25th June 1878 ; and for Proceedings in Council, *see ibid*, Supplement, dated the 24th April 1878, p. 82, and *ibid*, dated the 25th June 1878, and *ibid*, dated the 4th February 1879, p. 3.

The Act has been supplemented by Act IV of 1897.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[3] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

Protection of animal, bird or fish not indigenous.

4. Whenever any animal, bird or fish useful for food, not indigenous to the district aforesaid, is introduced into it with the approval of the Government with a view to becoming acclimatised or being propagated therein, it shall be lawful for the [1] [State Government] from time to time, by notification in the [2] [Official Gazette], to prohibit altogether, or to regulate in such manner and for such period not exceeding three years as may be declared in such notification, the pursuit, killing or capture of such animal, bird or fish.

Power to prescribe rules for the regulation and control of fishing.

5. It shall be lawful for the [1] [State Government], by notification in the [2] [Official Gazette], from time to time, to make rules for the regulation and control of fishing in any stream or lake within the said district; and such rules may, with the view to protect acclimatised fish which may be believed to be there or may be hereafter introduced therein, prohibit or regulate the poisoning of the waters of any stream or lake, the throwing of any deleterious matter therein, the use of fixed engines for the capture of fish in any stream, and the use of nets of a mesh below a certain size to be defined in such rules for the capture of fish in such stream or lake.

Power of Government officer or police.

6. Any Government officer or servant or policeman, producing his certificate of office, or wearing the prescribed distinctive dress or badge of his department, may require any person whom he finds committing any offence against section 3, 4 or 5 of this Act to give his name and address, or, if there is reason to doubt the accuracy of the name and address so given, to accompany him to the nearest police-station.

Penalties for shooting, etc., during close season and for breach of fishing rules

7. Every person convicted before a Magistrate of any offence against section 3, 4 or 5 of this Act shall be liable for a first offence to a penalty not exceeding rupees fifty and to the forfeiture to Government, at the discretion of the Magistrate, of the game, birds or fishes taken, and of all guns, engines, implements, nets and dogs used in or for the purpose of aiding the commission of such offence, and in default of payment of fine, to simple imprisonment for a period not exceeding one month, and for every second and subsequent offence, to a penalty not exceeding rupees one hundred and the same liability to forfeiture, and in default of payment to simple imprisonment for a period not exceeding two months.

Procedure under this Act.

8. The provisions of the Code of Criminal Procedure [3] relating to the summoning and examination of persons accused and witnesses and to the levying of penalties shall be applied to proceedings under this Act.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

[3] *See* now Central Act V of 1898.

9. All fees, fines and forfeitures realized under this Act shall be paid into the public treasury. Appropriation of fees, fines, etc.

But it shall be competent to the convicting Magistrate to award such portion of the fine or of the proceeds of the forfeiture as he may think fit, not exceeding one-half the amount of full fine authorized to be imposed by this Act in any case under this Act, to the person or persons on whose information the conviction is obtained. Award to informer.

SCHEDULE REFERRED TO IN THE PREAMBLE.

The Nilgiri district shall for the purpose of this Act be held to be bounded by—

The north bank of the Bhavani River from Attipadi in the Attipadi Valley to the junction of the Mayar River.

The west and south banks of the Mayar River from its junction with the Bhavani to the point in the Mudumullah District nearest to Gudalur.

A line carried thence to the head of the Pandy River (Ouchterlony Valley).

The east bank of the Pandy River to where it falls near the Karkur Pass into Malabar Payenghaut.

A line along the south crest of the Ouchterlony Valley and across the western slopes of the Nilgiri and Mukurti Peaks and Sisapara Ranges to Wallaghaut.

A line thence along the west crest of the Silent Valley (Malabar) Range.

N.B.—The district shall include the entire tract known as the Silent Valley.

A line from the south end of the abovenamed range to the Bhavani River at Attipadi in the valley of the same name.